



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

May 17, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Pastor Ginny Wright, The Fellowship 1.3
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for National Police Week 2022. **(Exhibit IV.A.)**

Mayor Guess read and presented a Proclamation for National Police Week 2022 to Hickory Police Department officers in attendance.
- NA** B. Presentation of a Proclamation for National American Public Works Week. **(Exhibit IV.B.)**

Mayor Guess read and presented a Proclamation for National American Public Works Week to Public Services staff in attendance.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of May 3, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Budget Revision Number 20. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- PH** A. Call for a Public Hearing for Consideration of the City Manager's FY2022-2023 Recommended Budget. **(Authorize Public Hearing for June 7, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).**
- PH/A** B. Call for a Public Hearing for Consideration of the Voluntary Contiguous Annexation of Property Owned by BV 211, LLC, Containing 1.35 Acres, Located at 2906 Springs Road NE, PIN 3723-10-37-0072. **(Authorize Public Hearing for June 7, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.B.)**
- PH/A** C. Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along a Portion of 6th Avenue Drive NW, Petition Number 22-02.

(Authorize Public Hearing for June 7, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building). (Exhibit VIII.C.)

- A** **D.** Approval of the Issuance of a Pyrotechnic Display Permit to Starfire Pyrotechnics for a Fireworks Display at Hickory Motor Speedway on June 11, 2022, (Rain Date June 12, 2022). **(Exhibit VIII.D.)**

Staff requests approval to issue a pyrotechnic display permit to Starfire Pyrotechnics for fireworks display at the Hickory Motor Speedway for the June 11, 2022, rain date June 11, 2022. Frank Terzino Jr., owner of Starfire Pyrotechnics, submitted a request to obtain permission to conduct public fireworks displays. The North Carolina Fire Code requires an operational permit for the use and handling of pyrotechnic special effects material. The Hickory Fire Department Fire & Life Safety Division shall review all required documentation for the event, including Alcohol Tobacco and Firearm's (ATF) License, Operator and Assistant Operators Permits from North Carolina Office of State Fire Marshal (NCOSFM), Site Plan, and the one-million-dollar liability insurance policy. The Fire & Life Safety Division will also inspect the pyrotechnics display area before the event to ensure compliance with NCOSFM Guidelines, National Fire Protection Association (NFPA) NFPA 1123 Code for Fireworks Display, and NFPA 1126 Use of Pyrotechnics Before a Proximate Audience (if applicable). Staff recommends approval of the issuance of the pyrotechnics display permit.

- A** **E.** Approval of a Grant Application for the 2022 Bulletproof Vest Program. **(Exhibit VIII.E.)**

Hickory Police Department requests permission to apply for a grant to assist in funding the purchase of bulletproof vests for police officers. The City of Hickory will receive up to 50% reimbursement for each vest purchased. Since 1999, the Bulletproof Vest Grant program has provided an opportunity for law enforcement agencies to apply for a grant to receive up to 50% funding on the purchase of ballistic vests. In order to be eligible, the agency must have a policy in effect making it mandatory for uniformed officers to wear the vests while on duty. Hickory Police Department has the mandatory wear policy in effect and has been a recipient of this grant for numerous years. Monies are placed in the police department budget uniform line item annually to purchase vests for police officers. Life expectancy of each vest is approximately five years. The Police Department would recommend the submission of this grant to receive up to 50% funding to purchase bulletproof vests for police officers. Notification to apply was sent by email April 28, 2022. The due date to apply by is June 27, 2022.

- A** **F.** Approval of a Microenterprise Grant Agreement with Pete Nappier, Owner of Samurai Institute in the Amount of \$4,000. **(Exhibit VIII.F.)**

Staff request approval of a microenterprise grant agreement with Pete Nappier of Samurai Institute. In its 2020-2024 Consolidated Plan for Housing and Community Development, the City of Hickory identified increasing entrepreneurship opportunities as a high priority need. This includes a program to provide microenterprise grants to businesses looking for funding necessary to take their business to the next level. The 2021 Community Development Block Grant (CDBG) Annual Action Plan has \$5,000 allocated towards assistance for entrepreneurial activities with another \$25,000 remaining from previous plan years. According to the US Department of Housing and Urban Development, a microenterprise is a business that has fewer than five employees, one of whom is the owner of the business. The program offers grants of up to \$4,000 for low to moderate income business owners for business property, inventory, necessary fixed assets, marketing and business promotion, or other improvements approved by the Business Development Committee. Applicants are required to submit a business plan and have a counseling session with a local business support organization. Pete Nappier has applied for a Microenterprise Grant to support and enhance his start-up business Samurai Institute. The Samurai Institute is a dojo and martial arts school that offers a variety of classes for all ages but specifically in martial arts training for children and teens. The Business Development Committee reviewed the application and recommended approval of the grant in the amount of \$4,000. The grant funds will be used to purchase new portable mats that

will enhance both the current location at Foothills Gymnastics and Mr. Nappier's opportunities to teach in other locations. Staff recommends Council's approval of the Microenterprise Grant agreement with Pete Nappier.

- A G.** Approval of the Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. **(Exhibit VIII.G.)**

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on May 5, 2022.

- *Debra Ikard, 565 9th Avenue Dr. SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Roslyn Lavan, 923 4th Street Pl. SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Gerlean Robinson, 1171 2nd Street SE, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000.00 for repairs to her house. Assistance would be in the form of a 0% interest deferred loan.*
- *Gerlean Robinson, 1171 2nd St. SE, Hickory – up to \$10,000.00 under the City of Hickory's 2021 Urgent Repair Program.*
- *Marilyn Deal, 2024 10th Street Pl. NW, Hickory- up to \$10,000.00 under the City of Hickory's 2021 Urgent Repair Program.*

Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2021 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

- A H.** Approval of a Professional Services Agreement Proposal with WK Dickson & Co., Inc. in the Amount of \$232,000, Plus Permit Fees, for Trivium East Road Widening and Traffic Signal Design Project. **(Exhibit VIII.H.)**

Staff requests Council's approval of a Professional Services Agreement proposal with WK Dickson & Co., Inc., in the amount of \$232,000, plus permit fees, for Trivium East road widening and traffic signal design project. Trivium Corporate Center is the business park recognized in the Bond projects to receive money from bond proceeds for development. The City, County and EDC have worked on development of the project to a condition that is receptive to marketing. As the original Trivium site has been successful and only 3 lots remain, the partnership has purchased additional properties to expand the success of the business park. This phase of the project will consist of the main entrance and access for the business park. This will include road widening on Startown Road and traffic signal design along with all associated work. NCDOT standards will be followed for the widening of Startown Road. Included in this project is the design of a 12" watermain into the park to serve the future businesses. This agreement will be from design through bidding, construction, and closeout with an expected duration of 150-days for design and permitting. Cost will be split 50/50 with Catawba County. Staff recommends Council's approval of a Professional Services Agreement proposal with WK Dickson & Co., Inc., in the amount of \$232,000, plus permit fees, for Trivium East road widening and traffic signal design project.

- A I.** Approval of the North Carolina Department of Transportation Grant Agreement in the Amount of \$98,995 for the Taxiway Intersection Reconfiguration Project. **(Exhibit VIII.I.)**

Staff requests City Council's approval of the North Carolina Department of Transportation (NCDOT) Grant Agreement for the Taxiway Intersection Reconfiguration (Design) project in the amount of \$98,995. Hickory Regional Airport currently has a mass intersection

where four taxiways (Taxiway A, A3, B, and W) intersect at the same point. Due to the proximity of the intersection to Runway 1-19 and Runway 6-24, the intersection can be difficult to navigate and can cause confusion with pilots. During the most recent Part 139 Inspection, which is completed by the FAA to ensure Hickory Regional Airport meets the requirements for commercial service operations, the FAA Inspector notified the Airport that this intersection needs modifications to improve safety. With the anticipated closure of Runway 1-19, this project will include the design phase to reconfigure the intersection to improve safety and be more user friendly for pilots navigating the airfield. This reconfiguration will include the conversion of Runway 1-19 to a taxiway, demolition of a portion of Taxiway B, and the relocation of direct runway access taxiways at Taxiway S, Taxiway A2 and Taxiway A3 so the airport configuration meets the current FAA regulations. By letter dated May 4, 2022, the NCDOT approved the City's request for aid. This particular grant will utilize Federal grant funds for a total project cost of \$98,995, Federal share \$89,095 and local share \$9,900. Staff recommends approval of the NCDOT Grant Agreement for the Taxiway Intersection Reconfiguration project in the amount of \$98,995.

- A J.** Approval of the Work Authorization with Talbert, Bright & Ellington in the Amount of \$98,994.40 for the Design of the Taxiway Intersection Reconfiguration Project. **(Exhibit VIII.J.)**

Staff requests City Council's approval of the Talbert, Bright & Ellington, Inc. (TBE) Work Authorization for the Taxiway Intersection Reconfiguration (Design) project in the amount of \$98,994.40. Hickory Regional Airport currently has a mass intersection where four (4) taxiways (Taxiway A, A3, B, and W) intersect at the same point. Due to the proximity of the intersection to Runway 1-19 and Runway 6-24, the intersection can be difficult to navigate and can cause confusion with pilots. During the most recent Part 139 Inspection, which is completed by the FAA to ensure Hickory Regional Airport meets the requirements for commercial service operations, the FAA Inspector notified the Airport that this intersection needs modifications to improve safety. With the anticipated closure of Runway 1-19, this project will include the design phase to reconfigure the intersection to improve safety and be more user friendly for pilots navigating the airfield. This reconfiguration will include the conversion of Runway 1-19 to a taxiway, demolition of a portion of Taxiway B, and the relocation of direct runway access taxiways at Taxiway S, Taxiway A2 and Taxiway A3 so the airport configuration meets the current FAA regulations. By email notification dated April 19, 2022, the North Carolina Division of Aviation completed the required Independent Fee Analysis (IFA) and approved TBE's proposed fee. This project is being funded by Grant #: 36237.66.8.1. Staff recommends approval of the Work Authorization for the design of the Taxiway Intersection Reconfiguration project in the amount of \$98,994.40.

- A K.** Approval of Change Order Number 2 with W.C. English, Incorporated, in the Amount of \$910,612.73 for the Riverwalk NCDOT EB-5939 Project. **(Exhibit VIII.K.)**

Staff requests Council's approval of change order number 2 with W.C. English, Incorporated, for the Riverwalk NCDOT EB-5939 Project in the amount of \$910,612.73. The North Carolina Department of Transportation (NCDOT) portion of the Riverwalk project will contain an entrance from Old Lenoir Road, parking, and access to the trail system. Included in this project will be an elevated walkway over Lake Hickory that interacts with existing City of Hickory amenities. Lighting on the bridge, retaining walls and all necessary drainage piping are also included in this project. This project was advertised to bid on September 6, 2020 and bids were received on October 8, 2020. WC English was the lowest responsible bidder and awarded the bid in October 2020. Change Order two reflects a change of anticipated lakebed conditions from the plans to actual as found in present state. This change order will encompass the cost differential for the installation of 10 drilled shafts in the lake along with the additional measures required to install the drilled shafts. Equipment rates and idle time are set forth by the specifications of NCDOT Section 109 found in NOI #2. Additionally, this change order will include the removal and remediation of buried debris found when constructing the parking lot and drainage structures for the project found in NOI #3. Staff recommends Council's approval of change order number 2 with W.C. English, Incorporated for the Riverwalk NCDOT EB-5939 Project in the amount

of \$910,612.73.

A L. Approval of the Sale of City-Owned Property Located off 5th Street NE in the Amount of \$58,000. (Exhibit VIII.L.)

The City owns the parcel located off 5th Street NE, PIN 3703-12-96-9305. This 1.18-acre parcel was purchased by the City in 1988 for the development of the northern cross-town thoroughfare which is no longer slated for construction and is landlocked. G&M Rentals own two of the adjacent parcels and offered \$25,000 for the property. The current tax value is \$9,000. Given the fact that it is landlocked, and the original reason for purchasing this lot is no longer viable, selling this lot to G&M Rentals would be beneficial as the City has no plans for future development at this site. The original offer was accepted by City Council at the March 1, 2022, City Council meeting. When staff advertised for upset bids, an interested party bid on the property. The parcel was advertised four times with the price increasing to \$58,000. The most recent period ended on May 9, 2022 with no additional bids received. G&M Rentals was the highest bidder. Staff recommends approval of the offer from G&M Rentals, LLC for the sale of the property located off 5th Street NE, PIN 3703-12-96-9305.

A1 M. Budget Revision Number 21. (Exhibit VIII.M.)

1. *To appropriate a total of \$98,995 to establish the Taxiway Intersection Reconfiguration Capital Project Ordinance (#650032). The project is being initiated with a NC Division of Aviation Grant of \$89,095 and a local match of \$9,900 from Airport Fund Balance.*
2. *To appropriate \$4,118,501 in ARPA funds towards public safety salaries.*
3. *To appropriate \$232,000 towards the Trivium Corporate Center East Project for an Agreement for Professional Services with WK Dickson & Co., Inc for design and permitting. \$116,000 will come from General Fund Balance. The other \$116,000 will come from Catawba County.*
4. *To appropriate \$1,000,000 in additional hotel/motel occupancy tax revenue.*
5. *To appropriate \$100,000 in additional NCDOT street maintenance reimbursements.*

IX. Items Removed from Consent Agenda

Item "F" was removed from the Consent Agenda and Discussed Under Departmental Reports.

X. Informational Item

XI. New Business:

A. Public Hearings

A 1. Consideration of the Voluntary Non-Contiguous Annexation of .887 Acres of Property Located at 1281 27th Street Lane NE, PIN 3723-14-33-7638 – Presentation by Planning Director Brian Frazier. (Exhibit IX.A.1.)

Tiffany Saephan and Xur Vang have petitioned for the voluntary non-contiguous annexation of 0.887 acres of property located at 1281 27th Street Lane NE. The subject property is currently located within Hickory's extra-territorial jurisdiction (ETJ) and zoned R-1 Residential. The annexation is being requested to gain access to City services. The current R-1 zoning district permits residential uses at a density of two dwelling units per acre. The subject property is currently vacant; however, the owners intend to construct a single-family residence on the property. The current tax value of the property is \$16,500. If annexed with its present value, the property would generate additional tax revenues of \$103.54. The future residence to be constructed will increase the tax value of the property. Upon analysis, staff has determined the petition meets the statutory requirements for voluntary non-contiguous annexation, and adequate public services are available.

Staff finds the petition to be in conformity with applicable statutes and recommends approval of the petition.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 6, 2022.

- A 2. Consideration of Preliminary Assessment Roll No. 22-01, for Curb and Gutter Constructed along a Portion of 2510 and 2520 17th Street NE – Presentation by Public Works Director Steve Miller. **(Exhibit XI.A.2.)**

The City Clerk received petition number 22-01 from the owners of property along 2510 and 2520 17th Street NE to install curb and gutter along a portion of their street in accordance with Section 29-2 of the Hickory Code of Ordinances. The petition was a single-party petition. City Council adopted a Resolution Directing that Street Improvement Project Be Undertaken. Construction of the curb and gutter was completed on March 25, 2022. Preliminary assessment roll number 22-01 has been prepared based on the curb and gutter constructed along a portion of 2510 and 2520 17th Street NE. The City Clerk, as shown on the Certification, has mailed a copy of the adopted Preliminary Resolution, which called for a public hearing, to all affected property owners. Staff recommends approval of a Resolution confirming the assessment roll.

This public hearing was advertised in a newspaper having general circulation in the Hickory area on May 6, 2022.

B. Departmental Reports

- A 1. Approval of a Microenterprise Grant Agreement with Pete Nappier, Owner of Samural Institute in the Amount of \$4,000.

- A 2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

Alderman Wood nominated Yvonne Setzer as Small Cities Project Area Representative on the Citizens Advisory Committee.

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT

VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(5) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
1. *Approval of Closed Session Minutes of April 19, 2022 - NCGS §143-318.11(a)(1).*
 2. *Discussion of Potential Property Acquisition - NCGS §143-318.11(a)(5).*
- XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**